

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALANDRA NICOLE WORMELY,
ARIAN JEAN WORMELY, BEVERLY MARIE
WORMELY, and ERIC RAVON WORMELY,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner - Appellee,

v

ANNIE PEARL WORMELY,

Respondent - Appellant

and

ALLEN PORTER and ERIC HENLEY,¹

Respondents.

UNPUBLISHED

September 29, 2000

No. 221525

Wayne Circuit Court

Family Division

LC No. 95-326034

Before: Smolenski, P.J., and Doctoroff, and Wilder, JJ.

PER CURIAM.

Respondent-appellant Annie Pearl Wormely appeals by right from the family court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(c)(i), (g) and (j). We affirm.

Upon review of the record, we find that the family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Trejo Minors*, ___ Mich ___, ___ NW2d ___ (Docket No. 112528, decided July 5, 2000), slip

¹ The parental rights of the putative fathers were also terminated by the family court; however, they have not appealed the order of termination and are not parties to this appeal.

op p 17; *In re Sours*; 459 Mich 624, 633; 593 NW2d 520 (1999). The conditions that led to adjudication in this matter were respondent's neglect of the children evidenced by her leaving them home alone in an unkempt dwelling, a lack of suitable housing for the children, and respondent's lengthy drug addiction which resulted in her youngest child testing positive for cocaine at birth. To assist respondent in rectifying those conditions, she was provided with a relatively simple parent agency agreement that required her to enroll in and complete an inpatient drug treatment program followed by an outpatient drug treatment program, submit to random drug screens, return negative drug screens, complete parenting classes, obtain and maintain suitable housing, obtain a legal source of income, regularly visit her children, and maintain regular contact with the case worker. Respondent was offered but resisted extensive assistance from the FIA and the family court, including referrals for drug treatment, financial resources, housing and transportation.

The record is clear that, at the time of the termination hearing, although respondent made some progress toward the parent agency agreement goals throughout the four years her children were court wards, she ultimately failed to satisfactorily comply with the provisions in the agreement and failed to rectify the conditions that led to adjudication. In particular, appellant was unable to overcome her drug addiction, evidenced by her positive drug screen only a few months prior to the termination proceeding. To her credit, appellant completed an inpatient drug treatment program two months before the termination proceeding. Completion of an inpatient drug program, however, had been a requirement of her treatment plan since 1995. In addition, the plan required her to enroll in and successfully complete an outpatient treatment program before reunification with her children, something she failed to do. She also failed to provide verification of her purported attendance at NA/AA meetings.

Moreover, at the time of the termination hearing, appellant had not completed parenting classes, had no verifiable legal source of income, was unemployed, and did not demonstrate that she had suitable housing for the children. While a parent's failure to comply with a treatment plan does not, alone, establish neglect or warrant termination, respondent's failure to achieve her treatment plan goals, in conjunction with the clear and convincing evidence that the treatment plan was necessary to improve her alleged neglectful behavior supports termination in this case. *In the Matter of Mason*, 140 Mich App 734, 737; 364 NW2d 301 (1985); *In the Matter of Moore*, 134 Mich App 586, 598; 351 NW2d 615 (1984). The trial court did not err in concluding that the conditions that led to adjudication continued to exist and there was no reasonable likelihood that the conditions would be rectified in a reasonable time given the children's ages. MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i). Accordingly, we conclude that termination of respondent's parental rights was proper.²

² Because the family court properly terminated appellant's parental rights under subsection 19b(3)(c)(i) and only one statutory ground for termination must be established in order to terminate parental rights, we need not decide whether termination was also proper under subsections 19b(3)(g) and (j). *In re Trejo Minors*, ___ Mich ___, ___ NW2d ___ (Docket No. 112528, decided July 5, 2000), slip op pp 9, 21; *In re Huisman*, 230 Mich App 372, 384-385; 584 NW2d 349 (1998). In any event, our review of the record reveals that termination pursuant to those other grounds was also proper.

Further, the family court's assessment of the best interests of the children was not clearly erroneous. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors, supra* at slip op p 18. In light of appellant's demonstrated unwillingness over a four-year period to accept responsibility for her children's needs or meaningfully participate in drug treatment, the family court did not clearly err in finding that termination of appellant's parental rights was in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5).

Affirmed.

/s/ Michael R. Smolenski

/s/ Martin M. Doctoroff

/s/ Kurtis T. Wilder